

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PIOTR NOWAK : CIVIL ACTION
 :
v. :
 :
MAJOR LEAGUE SOCCER, LLC, :
et al. : NO. 14-3503

ORDER

AND NOW, this 4th day of February, 2015, upon consideration of the defendant Major League Soccer Players Union's ("MLSPU") Motion to Dismiss (Docket No. 6), the plaintiff's opposition, and MLSPU's reply memorandum, for the reasons stated in a memorandum of law bearing today's date, IT IS HEREBY ORDERED that the motion is GRANTED. The plaintiff's claim against MLSPU is dismissed.

The Court also gives notice to the plaintiff of its intention to dismiss the claim against the defendant Major League Soccer, LLC ("MLS"). MLS has not been served in this case. Fed. R. Civ. P. 4(m) requires a district court, on motion or on its own after notice to the plaintiff, to dismiss an action against a defendant without prejudice if that defendant has not been served within 120 days after the complaint is filed. Rule 4(m) also requires a district court to extend the time for service if the plaintiff shows good cause for the failure to serve.

The plaintiff filed his complaint in this case on June 12, 2014 - over 200 days ago. He has not filed an affidavit of service for MLS, nor has he made any motion requesting the Court's assistance in serving MLS. The plaintiff has not made any showing of good cause for failure to serve MLS. The plaintiff has until February 17, 2015, to show cause as to why the Court should not dismiss the claim against MLS without prejudice.

BY THE COURT:

/s/Mary A. McLaughlin
MARY A. McLAUGHLIN, J.